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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNIVERSAL CITY STUDIOS, INC., :
Plaintiff, :
- against - : 82 Civ. 4259
NINTENDO CO., LTD. and :
NINTENDO OF AMERICA, INC. :
Defendants. : DEPOSITION
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DEPOSITION UPON ORAL EXAMINATION
OF HIROSHI YAMAUCHI
TAKEN AT NINTENDO CO., LTD., KYOTO,
JAPAN, ON JANUARY 12TH, 1983,
COMMENCING AT 9:05 A. M. AND
ENDING AT 11:30 A.M., THEREOF.

1 but I don't think Mr. Yamauchi understood it,
2 but it is not my decision to make.

3 MR. FAIRHURST: Well, let me attempt to clean up the question
4 Now we have wasted 5 minutes.

5 Q. Is the United States market for video-arcade games
6 twice the size of any other single nation market,
7 three times the size, four times the size, or what
8 times the size, if you can answer that question?

9 A. I have no idea.

10 Q. Who would have the idea in your company?

11 A. Probably Mr. Todoru knows about it.

12 Q. Do you know the reason or reasons why NINTENDO's
13 video-arcade games are given English names?

14 A. This does not apply only to NINTENDO. Other
15 Japanese video-arcade game manufacturers name
16 their machines in English.

17 MR. FAIRHURST: (To the interpreter) Would you ask him
18 my first question again? He didn't answer it.

19 A. Because the machines won't sell if we named in
20 Japanese.

21 Q. Do I fairly infer from your answer to my question
22 that you regard the name of the machine as an
23 important consideration in its salability in the
24 United States?

25 A. No.

1 Q. Is the name important to you in selling the game
2 in the United States?

3 A. It isn't that it is not important. But it is
4 the matter of the degree how important the name
5 is. If you compare 'the name of the machine is
6 very important' to 'the name is important to a cer-
7 tain extent,' I should say the name is important
8 a little bit.

9 Q. In your judgement, was the name DONKEY KONG
10 important in the sale of that machine in the United
11 States?

12 A. It wasn't so.

13 Q. In your judgement, it was not important?

14 A. That is right. It is not very important.

15 Q. Are you the one, Mr. Yamauchi, who makes the decision
16 at NINTENDO whether or not to proceed with the
17 development and manufacture of a particular video-
18 arcade game?

19 THE WITNESS: What do you mean by that?

20 MR. FAIRHURST: Let me see if I can do it in a different way.

21 Q. With whom does the decision to begin work on a new
22 machine originate?

23 A. The Development Department makes the decision.

24 Q. Are you consulted about that decision?

25 THE WITNESS: What do you mean by consulting of a decision?

1 of a game based on Popeye the Sailorman?

2 A. Yes, I was aware of that. I heard about that

3 at that time.

4 Q. What did you know about?

5 A. Nothing else aside from the fact that you mentioned.

6 Q. Do I understand correctly that NINTENDO today

7 is developing or has already developed a game

8 based on Popeye?

9 A. We have developed that machine. We are already

10 selling Popeye based machines.

11 Q. Did NINTENDO secure rights from anyone purporting to

12 own rights in the Popeye character, name, trade-

13 mark, before actually developing that game or

14 any time in the course of developing it?

15 MR. KIRBY: Wait a second, I think we have a problem

16 of translation. You have asked both with prior to

17 and...

18 MR. FAIRHURST: Yes, prior to or--I am trying--or during

19 the course of the development.

20 THE WITNESS: Could you please repeat the question?

21 MR. FAIRHURST: Let me try that again.

22 Q. Did NINTENDO secure rights from anyone in the

23 Popeye trademark, character or name prior to

24 actually selling the game?

25 THE WITNESS: Prior to the sales of the machine or

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